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Children's Rights and Education in Argentina, Chile and Spain

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Abstract

This article is a first attempt to relate the UN Convention on the Rights of the Child to education policy. It compares three countries, Argentina, Chile and Spain in an attempt to both present particular problems that are of pressing concern in each and to propose a framework that might reveal some possible obstacles to the implementation of children's rights. The article is divided into three sections. In the first section, a comparative review of the formal dispositions and legislative changes in the three countries is presented. Some of the most notable contrasts are briefly contextualized in the history of each nation-state. In the second section, particular problems in each nation are reassessed through the lens of the Convention. Three cases are examined: in Argentina, the funding and organization of public compulsory education; in Chile, an instance of international cooperation in education; in Spain, the relations between public and private education and ethnic

segregation. Finally, a general framework is discussed using these three cases as examples.

Introduction

A tenet of modernity is to consider education as one of the most important means of advancing a society and enhancing the quality of life of its citizens. Contrary to common thinking, this idea (as captured in proposals such as universal compulsory education or public funding of schools) has been forwarded by European, North American and South American countries since the middle of the nineteenth century. After World War II, with the consolidation of the "welfare state," the commitment to education has been greatly increased; and the development of strong state educational systems is currently considered a bastion of a country's social capacity.

Such commitments represent general ideas that can lead to several different, and even incompatible, interpretations and consequences. Therefore, it is necessary to try to understand how these expressions of commitment can be translated into specific and coherent proposals. The agenda set by the United Nation's Convention on the Rights of the Child (1989) (also referred to here as "the Convention") advances education as a fundamental right and provides guidelines for its implementation. However, many other problems remain unresolved, allowing for great variability among nation-states in how this right is provided to children. Some of the pressing concerns include issues such as: what are the resources needed to provide quality education? how can education act to lessen socio-economic inequalities? what is the nature of international cooperation programs? what is the commitment of countries with scarce (or not so scarce) resources to education?

These questions work on two distinct but interrelated dimensions. At one level, there is the problem of interpreting the meaning of the articles of the Convention. The proposals of this document are the result of particular historical and social constructions of childhood (Casas, 1998). Discussions about the implications of the Convention can have more impact than would be apparent at first glance. As a binding document for those countries that have ratified it, it may be used as a legal instrument both at the national and supra-national level. For example, in the European Union the European Court of Justice has the capacity to overturn judicial decisions and procedures established at the state level and may use as a referent the *Convention on the Rights of the Child* since it is a document ratified by all its members (Verhellen, 1997). Currently, this is becoming clear as the tragic and much publicized "Thompson and Venables" case is being reviewed by the European Court with potential implications for legal procedures in England and Wales (Jones, 1997). At a second level, children's rights are social practices and in particular formal education is an institution that stems from the ideals and practical constraints that states and citizens put into operation. The heterogeneity, contradictions and divergent interests of different social groups and institutions account for the range of forms of schooling that one finds across and within nation.

Interest in these topics has been increasing in recent years and is supported by the existence of a European Network on Children's Rights and work currently being done on the topic in the Department of Developmental and Educational Psychology of the Autonomous University of Madrid. As a result, the authors of this article began discussing these matters and contrasting our different experiences. As researchers and educational professionals from three different countries (Argentina, Chile and Spain), several contrasts and questions emerged when we discussed some of the issues that the Convention poses. These three countries reflect diverse and complex realities and,

although they also share certain historical and cultural ties, are located in different regions of the world with their own social and economic history. Currently, Latin America (including Chile and Argentina) is experiencing important social, political and economic changes. Formal education and the life conditions of children are clearly part of these transformations and deserve attention. Spanish educational policy is in a period of rapid and significant transformation, resulting from the full implementation of an educational reform begun at the turn of the decade of the 1990s and the political changes occurring at this time (Marchesi y Martín, 1998). *The Convention on the Rights of the Child* (1989) has been ratified by all three countries, and thus can be used as a lens to probe and contrast the characteristics of the three nations. Most importantly, it can be used as an instrument to highlight and interpret selected problems being experienced by each country.

This article is a first attempt to elucidate this topic and is primarily concerned with establishing some base-line questions and data that may allow further research on particular problems. A description at the formal level, especially contrasting Spain and Latin American countries, can be of more interest than initially apparent. As Spanish and Latin American educational research and policy are construed, it seems that Spain is placed in a consulting position, offering services and standards that Latin American countries have not attained. Such a claim may be supportable as it relates to the economic and political resources that can be mobilized currently in each nation. Yet, as we will see, this view is not accurate with respect to the intentions and efforts that have taken place in education in the second half of this century in Spain, Chile or Argentina. The political history and legislative developments in education on each side of the Atlantic have had their own evolution and ideological sources, without Spain being a specific referent for Argentina or Chile during most of this time. A case analysis of each situation allows us to delve into educational and social problems that are of utmost concern. In particular, analyzing them against some of the tenets of the Convention introduces new possibilities that are less often explored in discussions of these topics.

The presentation is divided into three parts. First, a comparative analysis of the formal arrangements and legal dispositions proposed by the three countries regarding education will be made. This permits an assessment of those aspects in which they converge, in which they diverge and what may be the underlying reasons for these commonalities and variations. Second, a case analysis will be presented of each country. The cases analyses are not structured according to the same questions in the three contexts. Our choice has been to present instances in each nation that are both of interest to us and have been controversial in educational discussions of each country, thus presenting a small portrait of trends and tensions in each region. Finally, we forward a conceptual framework, using the *Convention on the Rights of the Child* (1989) as a matrix, that may allow to make some generalizations on the type of situations these cases represent.

Meeting Children's Rights and Education at the Formal Level

A number of articles in the Convention make reference directly or indirectly to what goals and conditions should be part of an educational system that meets children's rights. Based on the content of the articles it is possible to arrange them under four thematic clusters:

- The means that make education accessible.
- The means that support education in groups with special needs.
- Curricular and pedagogical goals.

- The rights of specific social groups.

Table 1
Formalization of Rights Regarding the
Means to Make Education Accessible

KEY RIGHTS	ARGENTINA	CHILE	SPAIN
FREE AND COMPULSORY PRIMARY EDUCATION (art. 28-1a).	Compulsory Education from 5 to 14 years of age: Last year of pre-school (5 years of age) <i>General Basic Education</i> (6-14 years of age).	Compulsory Education from 6 to 13 years of age: <i>General Basic Education</i> (6-13 years of age).	Compulsory Education from 6 to 16 years of age: <i>Primary Education</i> (6-12 years of age). <i>Compulsory Secondary Education</i> (13-16 years of age).
DEVELOPMENT OF ACCESSIBLE PROFESSIONAL AND GENERAL SECONDARY EDUCATION (art. 28-1b).	<i>Polimodal Education</i> (15-17 years of age): humanistic, social and scientific and technical (1 extra year) tracks.	<i>Secondary Education</i> (14-18 years of age): scientific, humanistic and technical-professional (1 extra year) tracks.	<i>Pre-university Baccalaureate</i> (16-18 years of age): humanistic, social and scientific tracks. <i>Professional Education</i> (two cycles, 16-19/19-21 years of age): multiple professional modules.
ACCESIBLE HIGHER EDUCATION, BASED ON CAPACITY (art. 28-1c).	Open admission to the <i>General Basic Cycle</i> at Public Universities. Upon successful completion, access to degree cycle.	Access to Public University determined by <i>National Aptitude Test</i> developed by the Ministry of Education.	Access to University determined by: <i>Selective Exam</i> , organized by the public universities, and grades during pre-university education.
DEVELOPMENT OF INFORMATION AND ACADEMIC AND PROFESSIONAL COUNSELING PROGRAMS (art. 28-1d).	<i>Psychophysical Units</i> at the district level: composed by social workers, psychologists and doctors. <i>Orientation Departments</i> at the universities.	<i>Psychopedagogical Teams</i> at the district level. A professional and academic counselor in each secondary school.	<i>Psychopedagogical Teams</i> at the district level for primary schools. <i>Psychopedagogical Orientation Teams</i> in each secondary school.

Table 1 summarizes which dispositions in each country make education accessible. Art. 28 aims at making at least basic education compulsory (sect. 1a), developing secondary education both in its academic and professional strands (sect. 1b), making higher education accessible to larger parts of the population based on capacity criteria (sect. 1c), and providing counseling and support services to students during their education (sect. 1d). At one level there appears to be much agreement in these issues, since all countries have engaged in educational reforms (all three passed legislation in the 1990's) that meet these demands, and these new policies mostly propose arrangements that address the same principles. However, there are a number of interesting contrasts, most notably the number of years of compulsory education and the age-range in which it is placed.

The beginning of compulsory education ranges from 5 (Argentina) to 6 years of age (Chile and Spain) and the ending ranges from 13 (Chile) to 16 years of age (Spain). Within the educational system, this allows for a variety of arrangements, from making the last year of kindergarten compulsory in the case of Argentina to having separate secondary compulsory education in the case of Spain. These variations are the result of the policy design and practical constraints in the arrangement of the educational system but may also reflect important social issues. At the entry level, although pre-school education is encouraged and supported for several theoretical-pedagogical reasons, making it compulsory is intertwined with social factors. In Spain, the implicit push for early childhood education has been related to the increasing number of middle-class mothers working outside the home; this began to become a priority in the 1980's with some municipalities (primarily in large cities) establishing early education centers. However, in Chile and Argentina, early childhood education began over thirty years ago as part of the extension of education to larger sectors of the population; thus in its origins it was directed to lower-working class children and families. With regard to school exit, it is important to consider how well "harmonized" are the legal minimum age to enter the workforce (or apprenticeship arrangements) and the end of compulsory education--as we will see below the two are not always coordinated, thus the mismatch has been a contributing factor in different legal reforms.

Finally, Argentina's policy regarding entrance at public universities is noteworthy. An important political claim during its democratic transition was making university education tuition-free and open (unrestricted) access to all students who had completed pre-university secondary education. This goal was achieved, making Argentina the only country of those studied here (and also contrasting with many other countries in the world) with an open admissions policy that makes higher education accessible to a much larger student population than before. However, this has introduced other "mechanisms" that are not common in the rest of the countries, such as dividing higher education into a "general" cycle and a "degree" cycle with a series of selection exams between each stage.

Table 2
Formalization of Rights Regarding
Support Conditions for Populations with Special Needs

KEY RIGHTS	ARGENTINA	CHILE	SPAIN
ACCESS TO	Legislation regarding	Specialists in each	Special Education

EDUCATION AND OTHER FORMS OF SOCIAL INTEGRATION FOR PHYSICALLY OR MENTALLY HANDICAPPED CHILDREN (art. 23-3).	the social integration for people with special needs. Special Education with specific professionals.	school to attend students with learning difficulties. Special Education schools, organized by type of handicap. Mainstreaming for some students.	schools. Mainstreaming programs.
FINANCIAL ASSISTANCE IN CASE OF NEED, AT ALL EDUCATIONAL LEVELS (art. 28-1b).	Financial assistance during compulsory education: family subsidies, meal programs, grants for school materials. Scholarship programs for post-compulsory education.	Free school texts in primary education. <i>President of the Republic</i> school grants (meal programs, school materials). Grants for secondary and higher education.	Support during primary education and early childhood education: meal programs, school material grants. Grants for secondary and higher education.
PROGRAMS TO INCREASE SCHOOL ATTENDANCE (art. 28-1e).	Legislation regarding programs to facilitate and guarantee school completion.	Very low attrition rates. Objective of financial support programs (see above).	Social Work programs and action plans in rural areas and socio-economically disadvantaged urban areas. Objective of financial support (see above).
LEGISLATION REGARDING MINIMUM WORK AGE AND PROTECTION AGAINST CHILD LABOR (arts. 32-1; 32-2a).	Minimum work age: 15.	Minimum work age: 15.	Minimum work age: 16.

To make educational rights effective, the Convention explicitly discusses the arrangements that should be provided for certain groups. Art 23-3 discusses the accommodations that should be made for children with disabilities, including those that relate to making education accessible. Arts. 28-1b-1e, 32-1 and 32-2a make reference to provisions that seem necessary to make education accessible to students from underprivileged circumstances. As reflected in Table 2, at one level all countries seem to have formalized these points in the educational system. Special Education arrangements for "gross disabilities" (physical, mental handicap) exist from the beginning of childhood education, both in separate special-needs schools/units and in "mainstreaming" programs; and screening/educational adaptations for students with learning difficulties start in primary education. Some private organizations in each country (*O.N.C.E* in Spain,

Teleton in Chile) play an important role in providing resources for children with special needs, both inside their institutions and in public schools. Also, several efforts exist to support underprivileged students, such as free-lunch programs and nutritional supplements, scholarships and financial assistance. However, the disparity of circumstances in which these arrangements are implemented make comparisons very difficult, since target populations range from urban low- class students to extremely isolated rural and indigenous populations.

An important contrast is the minimum age for entering the workforce. Spain is the only one of the three nations in which this age is the same as the end of compulsory education, an arrangement that began with the 1990 educational reform (before this compulsory education ended at 14 years of age, while the minimum age to work was 16). In the rest of the countries, the minimum working age is one or two years above the end of compulsory education, which leaves an uncertain gap for youths who abandon school early.

Table 3
Formalization of Rights Regarding
Curricular and Pedagogical Objectives

KEY RIGHTS	ARGENTINA	CHILE	SPAIN
EDUCATION GEARED TOWARDS THE FULL DEVELOPMENT OF CHILDREN'S PERSONALITY, PHYSICAL AND MENTAL CAPACITIES (art. 29-1a).	Legislation states that "education should provide permanent and integral instruction so students can self-realize as persons".	Legislation proposes that education should enhance the correct development of children's personality, physical and mental capacities. At the beginning of the school year students pass a medical examination.	Each educational level (pre-school, primary and secondary) states a series of curricular and educational goals.
EDUCATION RESPECTFUL OF HUMAN RIGHTS AS EXPRESSED BY THE UNITED NATIONS (art. 29-1b).	Legislation embracing these principles in education. Cross-curriculum themes.	Legislation embracing these principles in education. Cross-curriculum themes.	Cross-curriculum themes.
EDUCATION RESPECTFUL OF NATIONAL AND FAMILY CULTURAL VALUES (art. 29-1c).	Legislation making this explicit.	Legislation upholding the right for parents to choose schools for their children.	Part of the curriculum Regional de-centralization allows for regional subject curriculum.

EDUCATION IN TOLERANCE AND RESPECT FOR GENDER, ETHNIC, RELIGIOUS AND CULTURAL DIFFERENCES (art. 29-1d).	Mentioned as a general principle of the <i>Federal Law of Education</i> .	Mentioned as a general principle of the <i>Organic Law of Education</i> .	Cross-curricular theme.
EDUCATION RESPECTFUL OF THE NATURAL ENVIRONMENT (art. 29-1e).	Cross-curricular themes.	Ecology as a curricular subject.	Part of the Natural Sciences curriculum. Cross-curricular theme.
DISCIPLINE RESPECTFUL OF CHILDREN'S RIGHTS AND DIGNITY (art. 28-2).	Legislation banning physical punishment as a disciplinary measure.	Legislation banning physical punishment as a disciplinary measure.	Legislation banning physical punishment as a disciplinary measure.

The Convention throughout Article 29-1 makes a series of general recommendations about the values and objectives that education should pursue. Education should contribute to the full development of the child (art 29-1a) and teach respect and appreciation for human rights (art. 29-1b), national and personal values (art. 29-1c), values and cultures others than one's own (art. 29-1d), gender equality (art. 29-1d) and the natural environment (art. 29-1e). Table 3 reveals that the three countries have some curricular arrangements or general statements that attempt to develop these ideas. These are developed either as cross-curricular themes--the preferred arrangement in Spain--or specific subjects--as in Chile where Ecology is a distinct content area in schools. Finally, all countries (in line with art. 28-2) have banned physical punishment as a disciplinary measure in schools.

Table 4
Formalization of Rights Regarding Specific Social Groups

KEY RIGHTS	ARGENTINA	CHILE	SPAIN
RIGHTS OF ETHNIC, LINGUISTIC, RELIGIOUS AND INDIGENOUS MINORITIES TO HAVE THEIR OWN CULTURAL LIFE (art. 30).	Legislation regarding: The right of indigenous populations to preserve their cultural life and the learning of their mother-tongue language.	Legislation recognizing Mapuche (the largest indigenous group) as an official language. Used as language of instruction in <i>Basic Education</i> .	Catholic Religion as an optional subject, other religions not available unless specifically organized at the school. Autonomous communities with co-official languages

	<p>The development by the state of indigenous educational programs.</p> <p>The adequacy of the educational resources to regional needs.</p> <p>The right of students to preserve their religious, moral and political convictions.</p>	Catholic Religion as an optional subject.	(Euskera, Galician and Catalanian) have bilingual education.
CAPACITY OF PARTICULARS TO RUN THEIR OWN EDUCATIONAL INSTITUTIONS (art. 29-2).	<p>Legislation regarding the supervision and granting of capacity to set-up private schools.</p> <p><i>Subsidized</i> private schools by the state.</p>	<p>Legislation allowing particulars or private entities to collaborate with the State in Educational matters.</p> <p><i>Subsidized</i> private schools by the state.</p>	<p>Legislation regulating the functioning of private schools.</p> <p><i>Concert</i> systems to state-fund privately run schools.</p>

All countries have a number of social groups that have made claims for special arrangements in education. Table 4 shows how on the one hand, in all countries private groups have been able to develop educational institutions parallel to state-run schools (cf. the convention (art. 29-2)). Institutions in all countries are required to meet a series of legal dispositions and criteria set by the state (or public educational authority), and all countries have arrangements for providing financial support to certain private schools. For example, in Spain the Catholic Church was the primary provider of education until the 1980's; the *concert* system was developed to allow the Church to continue playing this role without expense to families.

Indigenous populations and other minorities must be acknowledged in the educational system as proposed in art. 30 of the convention. In the case of Argentina and Chile, several instructional (including bilingual education or native culture curricula) arrangements exist for indigenous populations. In the case of Spain, the main developments have been made at the regional level, including local-regional history as part of the curriculum and bilingual education in those regions with languages other than Spanish. However, very little is developed regarding minority populations in the country such as gypsies or immigrant groups that are not part of compensatory education programs. Finally, Catholic religious education is available as an optional subject in public schools of Chile and Spain.

This summary reflects how children's rights have been introduced at the formal level in the educational policies of each country. An overview of these data shows a wide degree of consensus and some particular contrasts. However, children's rights as social practices are poorly reflected at the formal level. It is the real conditions of the day-to-day schooling of children that reflect how rights are put into effect. To analyze this completely for each country is an insurmountable task, however it is possible to present a particular aspect of each nation. This choice to focus on a few particular aspects is justified both because it captures current debates in the educational community of that society and highlights a relevant dimension of children's rights.

Case Studies of Children's Rights and Education

Focusing on particular examples provides another perspective on children's rights. The political and daily realities of work in schools are put on the foreground. The goal of this section is to present examples of this. The problems facing educational resources in Argentina serve as an example of the obstacles that may exist to providing compulsory education to all (art. 28-1a). Chile's cooperative experience is a good example of how to pursue international cooperation in line with art. 28-3. Spain's distribution of students in schools along ethnic and class lines reflects the political controversies around art. 28-1 and 29-2 regarding equality of educational opportunity and private education.

A. Children's Rights and Quality Compulsory Education in Argentina

Argentina is a large and complex country of which it is difficult to make reference to a single national reality. On the one hand, it has an area of more than 2 million square kilometers, with vast regional and climatic differences. On the other hand, the population is distributed very irregularly: 46% of the population lives in the capital, Buenos Aires, and its province. These characteristics account for important social differences that make the discussion of averages and general indicators (illiteracy rates, schooled population and the like) neither very informative of differences inside the country nor illuminative of international contrasts (van den Eynden, 1993).

Argentina, like other Latin American countries, is confronted with high external debt that greatly affects its chances of development. This economic situation has led to a series of adjustment policies that particularly affect social and educational funding. Another important aspect of these policies has been the privatization of public services. All these measures have increased unemployment and a widened the socio-economic division in the population. The effect of this situation is not clearly reflected in quantitative assessments of education nor in the elaboration of formal policy, but it has had an important impact on the quality of the education that students receive in Argentina (van den Eynden, 1993).

Since 1993, Argentina operated under new educational policies developed in the *Federal Law of Education*. According to this legislation, the educational system is divided into three levels: initial (3 years), *General Basic Education* (9 years) and *Polimodal* (3 years). Compulsory education covers the last year of the initial level (pre-school) and the nine years of *G.B.E.* This reform represents a very important step, since it restructured a highly outdated educational system developed over a century ago (*Law 1.420*, written in 1884) in very different political conditions. This reform not only extends compulsory education but modifies important aspects of it such as: implementing a democratic and federalized educational bureaucracy, a reaffirmation of the state in educational matters, a formalization of financial mechanisms and a commitment to procedures geared towards quality education (*Ministerio de Cultura y Educación de la Nación*, 1994).

As part of these principles, the government has established programs aimed at the improvement of educational outcomes in populations "that have not covered their basic needs" (as they are defined by the Ministry of Culture and Education). In a recent letter to the Argentinian representative of the International Monetary Fund, the Minister of Education, Susana Decibe (1998), claimed that the quality of education has been enhanced between 12% and 24% in different regions, this improvement being highest in

Discussion and Conclusions

Considering children's rights, in this case as they relate to education, effective practices are a complex matter that is not automatically guaranteed by making them explicit in a formal document. Rights, as principles that regulate social organization, are intertwined and complicated by the ideological and day-to-day tensions of our current societies. In the case of educational rights it is possible to describe a series of principles that explain why the application of these rights is troublesome. The process can be problematic because:

- **Condition a)** As they have been articulated by different social groups, educational rights can be incompatible with (or in conflict with) each other. Thus, although all groups have a legitimate claim to the rights they demand, the development of these rights by one group implies the withdrawal of other rights in an opposing group.
- **Condition b)** Implementing certain rights implies having a series of material, social and psychological prerequisites necessary to make them effective. These prerequisites, in some cases, can be considered human/children's rights themselves, which often leads to the proposal that human/children's rights are organized in a hierarchical-pyramidal manner (**Condition b1**). In other cases, the determination of prerequisite conditions is the result of some form of "rational analysis" (e.g., scientific research, political discussion), which although an important form of knowledge construction is characterized by a high degree of uncertainty (**Condition b2**).

Furthermore, as pointed out by Verhellen (1994), educational rights can be construed as rights *to* education, rights *in* education and rights *through* education. This organization is very helpful in articulating how educational rights should be effective. However, as we will see below, assigning *a priori* each article of the Convention to the different categories is not as univocal as presented by Verhellen (1994). What is interesting in these two frameworks is that they shed much light on our understanding of the implications of the three nation case studies presented above.

In Spain, it is obvious that different social groups defend each ideological position regarding the basic mechanisms of education. Furthermore, these two groups have polarized their discussion around the development of public or private schooling. Since in the end the discussion is about the allocation of funds and resources, as well as the pedagogical-policy lines that should govern education, it is reasonable to suggest that they stand in opposition as discussed above (**Condition a** above). The argument that defends "freedom of choice," especially as it implies forms of private education, is a claim about a right to education: the right to choose the type of schooling one wants (availability of private institutions) and to guarantee state support of that education, so it is accessible not only to the economically capable (development of *concerted* schools). As such, it is picked-up in art. 29-2 of the Convention, which delineates the rights and responsibilities of private educational institutions. The argument that defends "equality of educational opportunity" is also explicitly stated as a right in art. 28-1 of the Convention (including basic measures to make it effective). However, although Verhellen considers it a right to education, "equality of educational opportunity" is mainly a right *through* education, especially when presented as an outcome that makes effective equality of social opportunity (Green, 1971), which is how we think it should be construed.

Therefore, we have a situation of conflicting rights and social groups that make claims on different domains of education. Also, as shown in the data presented above, this double system has created an ethnically and socio-economically segregated student body. One way of assessing this is to see how other educational and children's rights can be developed within an educational system with these characteristics. Segregation, given that the "separate but equal" suggestion has never proven true, hampers many aspects of equality of educational opportunity and may eventually put at serious risk the meritocratic principles by which many attempt to justify social inequalities in Western democratic societies (Rivière, Rivière y Rueda, 1997). Furthermore, preparing children to live peacefully and with tolerance in multicultural societies is a right (art. 29-1d) that is made effective *through* and *in* education and is clearly incompatible with segregation along ethnic and economic lines. Given these considerations, it seems that current policy trends in Spanish education should be critically re-assessed through the lens of children's rights.

Argentina's current educational system faces important financial restrictions that result in limitations of infrastructures and human resources. The outcome is a diminished capacity to undertake its role adequately. Art. 29- 1a of the Convention asserts that education should help to develop children's full capacities: intellectual, physical and personality. It is easy to understand that "on the part of" the child this means that he or she should meet a series of physical and psychological conditions (security, physical well-being and the like) that will allow him/her to cope with the demands of schooling and take advantage of the possibilities it offers. These conditions themselves are considered rights and are explicitly reflected in the Convention (this would be a common example of **Condition b1** above).

"On the part of" the school, it is also possible to speak of necessary circumstances. The institution and people who work in it should also meet a series of conditions so they can face the demands placed on education and the principles reflected in the Convention. As Verhellen (1994) pointed out, educational rights in important aspects are made effective by adults. This obviously refers to parents being able to assert their children's rights; but on the part of the school (and the adults that work in that school), it also signifies having the means to make effective these rights. Providing quality education is something that cannot be met without a firm legislative commitment, proper infrastructures, resources for professional development and positive mid-term and long-term expectations for educators. All these can be considered prerequisites that are part of the child's educational rights (**Condition b1** above) and should be made effective through social and economic policies that guarantee the accomplishment of these goals.

Argentina has made important investments in time, human and economic resources to undertake its educational reform. However, international institutions and expert consultants have apparently not been able to fully understand these efforts. Some of their suggestions have been especially unfortunate because they did not take into account the complex and diverse reality of the country.

Cooperation between Chile, Sweden and Denmark puts into effect art. 28-3 of the Convention and represents one of the most important intervention areas between states with differing economic resources. However, intervention programs rest on a series of important principles that are not easily defined. First, intervention is based on an "assessment of needs," but justifying how, who, what, and why these needs are put forward is not clear-cut. Second, educational cooperation as defined in the Convention (art. 28-3) should be aimed at providing access to "technical knowledge" and "modern educational methods," but explaining exactly what these constitute is again a difficult

task. Therefore, making operational proposals constitutes an important part of the elaboration of the program (is a process-result of a "rational analysis", **Condition b2** above).

When considering developing countries or "emergent economies," these questions have often been very controversial and assume a series of characteristics (lack of knowledge and skills or absence of professional staff in the receiving country), that by being absent make the *900 Schools Program* a good model. Cooperation is usually highly asymmetrical with the "target" country playing a minimal role in the intervention process. However, the Chile-Sweden-Denmark experience showed that the "target" country (Chile) was capable of generating useful information for the decision making process, formulating objectives and program frameworks, implementing the program, assessing progress and giving a global appraisal of the intervention. Past theorizing (still proposed today) considered "developing countries" to be helpless, incapable of formulating mid-term and long-term goals for their progress and unable to act on their reality. In contrast to this, the *900 Schools Program* showed that an intervention approach that on the part of the "cooperating" country provides adequate financial resources and shows trust in the professional capacity of the "host" country will produce encouraging results. Carlos Rodríguez (1998) captured this attitude well when stating that "if the poor are given the opportunity and adequate incentives they apply with rationality their resources and progress" (p. 14). Chile's cooperative experience shows how these ideas can be put into practice, even in socio-economic and politically unfavorable conditions.

The data presented here illustrate how children's educational rights travel a long journey from the Convention to national legislation to actual day-to-day practices. We believe that daily practices are what constitute children's rights as real principles by which to measure life standards. However, using this criterion does not relegate the other two dimensions (the Convention and legislation) to an insignificant role. In fact the relationship between these three dimensions is dialectic; this dynamic among them is what legitimizes and delegitimizes real situations.

The Convention is a statement in many cases too vague to provide univocal suggestions as to what to do in schools. Legislation tries to advance this process and give directives at the national or regional level on how to manage schools. However, writing and implementing legislation is a political process characterized by power and resource struggles between different constituencies. This does not mean that the resulting configuration cannot be assessed, since it is in the light of how it captures children's rights that we can consider it legitimate. Research into these questions, however preliminary, is part of this process.

References

- Abajo, J. E. (1997). *La Escolarización de los niños gitanos: el desconcierto de los mensajes doble-vinculares y la apuesta por los vínculos sociales y afectivos*. Madrid: Ministerio de Trabajo y Asuntos Sociales.
- Akkari, A. and Pérez, S. (1999) . Investigación en educación en América Latina: una continuación del debate. *Education Policy Analysis Archives*, 7, (10) (Available online at <http://epaa.asu.edu>)
- Bartolomé, M. (1997). La escolarización de los hijos de inmigrantes extranjeros en la Educación Primaria en Cataluña. In M. Bartolomé (ed.). *Diagnóstico a la Escuela*

Multicultural. (65-81). Barcelona: CEDECS.

Casas, F. (1998). Social Representations of Childhood. In A. Saporiti (ed.). *Exploring Children's Rights: Third European Intensive Erasmus Course on Children's Rights*. Milano: FrancoAngeli.

Clarín. (21/5/98). Cuando los datos marcan diferencias, p. 56.

Clarín. (17/5/98). Los alcances de la reforma, p. 5 (suplemento de educación).

Decibe, S. (1998). Carta de Lic. S. Decibe al Dr. M. Figuerola. available at: <http://www.mcye.gov.ar>

Díaz, N. (1997, Feb. 3rd). La reforma educativa: asignatura pendiente del PP. *El Siglo de Europa*, 254. 31-37.

Feito, R. (1991). Concapa y Ceapa: Dos modelos de intervención de los padres en la gestión de la enseñanza. *Educación y Sociedad*, 9, 35-57.

Ferrandis, A. (1988). *La Escuela Comprensiva: Situación Actual y Problemática*. Madrid: MEC/CIDE.

Gajardo, M. (1994). *Cooperación internacional y desarrollo de la educación*. Santiago de Chile: Agencia Internacional de Cooperación de Chile/Ediciones Salesianas.

Gómez, V. (1999). *Efectos del Programa de Educación Compensatoria en el Desarrollo Psicológico del Niño: ¿Es Realmente Compensatoria la Educación Compensatoria?* Unpublished Doctoral Dissertation, Universidad Autónoma de Madrid.

Green, T. (1971). Equal Educational Opportunity: The Durable Injustice. In R. Heslep (ed.) *Philosophy of Education 1971: Proceedings of the Twenty Seventh Annual Meeting of the Philosophy of Education Society-Dallas, April 4-7*. Dallas: Studies in Philosophy and Education.

Jones, M. (1997). The Case of Thompson and Venables and the UN Convention on the Rights of the Child. In P. Jaffe, H. Rey and D. Roth (eds.) *The Future of Children's Rights: Student Contributions from Across Europe*. Genève: Université de Genève.

Knipmeyer, M. (1980). El Polígono de la Cartuja de Granada: el sistema escolar y sus problemas. In M. Knipmeyer: M. González Bueno and T. San Román. *Escuelas, pueblos y barrios: tres ensayos de antropología educativa* (11-92). Madrid: Akal.

Marchesi, A. y Martín, E. (1998). *Calidad de la enseñanza en tiempos de cambio*. Madrid: Alianza.

Marchesi, A. (1996). Calidad y Equidad Frente a Proximidad. *El País Digital-Debates*. 2/7/96, originally available <http://www.elpais.es/p/d/debates/marchesi.htm>

Ministerio de Cultura y Educación de la Nación. (1994). *Ley Federal de Educación: la Escuela en Transformación*. Buenos Aires: Secretaria de Programación y Evaluación Educativa.

Ministerio de Educación de Chile (1997). *Programa de Mejoramiento de la Calidad y Equidad de la Educación Básica*. Santiago de Chile: MEC.

Ministerio de Educación de Chile (1993). *Sistemas educativos nacionales: Chile*. Santiago de Chile: Organización de Estados Iberoamericanos para la Educación, la Ciencia y la Cultura/Ediciones Mar de Plata.

Moltó, M; Palafox, J; Pérez, F; Uriel, E. (1997). Gasto Público y Privado en Educación. In SSAA. *Educación, vivienda e igualdad de oportunidades (II Simposio sobre Igualdad y Distribución de la Renta y la Riqueza)* . (163- 214). Madrid: Argentaria-Visor.

Poveda, D. (1997). *Un Análisis Etnográfico de la Interacción en el Aula en Relación a la Alfabetización*. Doctoral Dissertation Project, Universidad Autónoma de Madrid.

Puiggros, A. (1996). Para el gobierno la educación es una mala inversión. *Clarín Digital*.(4/9/96). available at http://www.clarin.com.ar/diario/96-09-04/puig_01.htm

Rivière, A; Rivière, J. and Rueda, F. (1997). Igualdad Social y Educación. In SSAA *Educación, vivienda e igualdad de oportunidades (II Simposio sobre Igualdad y Distribución de la Renta y la Riqueza)* . (9-42). Madrid: Argentaria-Visor.

Rodríguez, C. Pobres Pobres. *El Pais*. 6/6/1998, p. 14.

Turner, S. y Goicoa, A. (1988). Spain. In G. Kurian (ed.). *World Education Encyclopedia, vol. II*. (1115-1134). Facts on File Publications.

van den Eynde, A. (1993). La Educación en America Latina. *Infancia y Sociedad*, 19. 51-67.

Verhellen, E. (1994). *Convention on the Rights of the Child*. Leuven: Verhellem and Garant.

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